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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 IN RE PORTFOLIO RECOVERY
12 ASSOCIATES, LLC, TELEPHONE
13 CONSUMER PROTECTION ACT
14 LITIGATION

Case No.: 11md02295 JAH-BGS

Member cases:
All member cases

**ORDER DENYING PLAINTIFFS'
REQUEST TO CONTINUE STAY
[Doc. No. 959]**

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18 In an order dated August 8, 2022, this Court granted Plaintiffs' motion to stay this
19 action pending the resolution of *Brickman v. Facebook, Inc.*, which was then before the
20 Ninth Circuit Court of Appeals, upon finding the *Brickman* action will address an issue
21 currently before this Court and that a stay would not unduly prejudice Defendant and will
22 promote the orderly course of justice by simplifying issues. On December 30, 2022,
23 Defendant filed a notice of the Ninth Circuit's decision in *Brickman*. In response Plaintiff
24 filed a request to continue the stay pending the resolution of the appeals process in
25 *Brickman*. Plaintiffs maintain counsel for Brickman informed Plaintiffs' counsel that
26 Brickman will be requesting a panel rehearing, *en banc* rehearing and a writ of *certiorari*
27 before the United States Supreme Court. On February 6, 2023, Plaintiff filed a notice
28 informing the Court that counsel in *Brickman*, filed a petition for panel rehearing or *en*

1 *banc* hearing. On March 1, 2023, Defendant filed a notice of the Ninth Circuit's order
2 denying the petition for panel rehearing or *en banc* hearing.

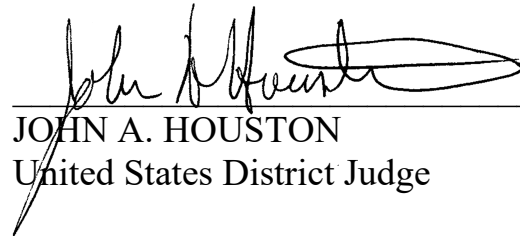
3 In light of the Ninth Circuit's denial of the petition for rehearing, the Court finds
4 continuing the stay is unwarranted.

5 Accordingly, IT IS HEREBY ORDERED:

6 1. Plaintiffs' request to continue the stay is **DENIED**;

7 2. The stay is **LIFTED**.

8 DATED: March 3, 2023

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11 JOHN A. HOUSTON
12 United States District Judge
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